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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **HATA, Tadoyo, et al.**

Group Art Unit: 1651

Serial No.: 10/566,085

Examiner: **MARX, Irene**

Filed: **January 27, 2006**

P.T.O. Confirmation No.: 1011

**FOR: NOVEL LACTOBACILLUS, LIVING BODY ACTIVATING LACTOBACILLUS  
PREPARATION AND PREVENTIVE OR THERAPEUTIC AGENT FOR LIVING  
BODY INFECTION**

**RESPONSE TO THE RESTRICTION REQUIREMENT**  
**DATED February 26, 2009**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: March 23, 2009

Sir:

This paper is submitted in response to the Official Action dated **February 26, 2009**.

In the Action, restriction is required between Group (I), Claims 1, 4-9, 15 and 18; Group (II), Claims 2, 11, 13, 16 and 19; Group (III), Claims 3, 10, 12, 14, 17 and 20.

Applicants hereby elect the subject matter of Group (I), Claims 1, 4-9, 15 and 18 for prosecution in this application. This election is made without traverse, it being understood that the applicants' rights to the filing of a divisional application directed to the non-elected subject matter under 35 USC 120 and 35 USC 121 are retained.

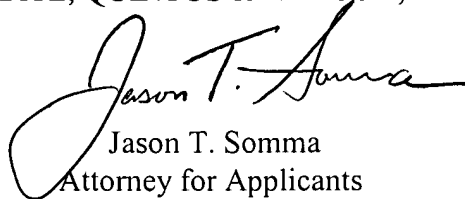
In the event that this paper is not timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 01-2340.

U.S. Patent Appln. Serial No.: 10/566,085  
Response to the Restriction Requirement  
Filed on March 23, 2009

In the event any additional fees are required in connection with this response, please  
charge our Deposit Account No. 01-2340.

Respectfully submitted,

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